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Chair

Mr. Art Hanger

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• (1530)

[English]

The Chair (Mr. Art Hanger (Calgary Northeast, CPC)): I'd like to call the Standing Committee on Justice and Human Rights to order. Pursuant to the order of reference of Friday, November 30, 2007, Bill S-203, an act to amend the Criminal Code, cruelty to animals, is under review and debate.

Before us we have a number of witnesses. I'd like to first thank all of those witnesses for appearing today.

Starting with the Canadian Federation of Humane Societies, we have Shelagh MacDonald, program director, along with Hugh Coghill, chief inspector.

From the Ontario Federation of Anglers and Hunters we have Mr. Greg Farrant, manager, government relations.

From the International Fund for Animal Welfare we have Barbara Cartwright, the campaign manager, and Kim Elmslie, campaigner.

We have representation from the Canadian Professional Rodeo Association, Jim Pippolo, acting general manager.

And from the Canadian Association for Humane Trapping, we have Mr. Don Mitton, project director.

Welcome all.

I will start with the list as noted on the agenda, with the Canadian Federation of Humane Societies, and the presenter will be Ms. MacDonald.

Ms. Shelagh MacDonald (Program Director, Canadian Federation of Humane Societies): Both of us will present.

The Chair: Okay. If you would keep your time to approximately 10 minutes, we'd appreciate it.

You have the floor.

Ms. Shelagh MacDonald: Thank you.

Good afternoon, honourable members. Thank you for the opportunity to speak to you today on this very important issue.

The Canadian Federation of Humane Societies is a national animal welfare charity formed in 1957, and it is the only national voice of humane societies and SPCAs across Canada. Humane societies and SPCAs are mandated under provincial law to carry out investigations of suspected animal abuse and to enforce the federal Criminal Code as well as provincial animal protection legislation.

Under today's law, only half of 1% of animal cruelty investigations are prosecuted in court. I want to emphasize that the CFHS is not an animal rights organization and does not espouse an animal rights philosophy. As an animal welfare organization, we promote the responsible and humane use of animals, reflecting the values of the majority of Canadians. The CFHS respects the need to safeguard heritage activities in Canada, such as farming, fishing, hunting, and trapping.

As I'm sure you know, the CFHS is adamantly opposed to Bill S-203. We cannot understand why our Canadian Parliament would want to enact 1892 legislation, simply adjusted for inflation. I'm just going to run through some of the problems with the current legislation.

We see wilful neglect as the biggest problem with the current law, because it requires proof that a person intended to neglect their animals, which is virtually impossible to prove; it's a bit of an oxymoron.

There are holes in the law with regard to trying to prosecute cases of animal fighting, which is a particularly horrific and bloody activity—

The Chair: If I may just interject for a moment, could you slow down a little bit? The interpreters are having a hard time keeping up.

Ms. Shelagh MacDonald: Okay. I'm sorry.

Number three, it is currently an offence to kill an owned animal without a lawful excuse—that would include farming, fishing, hunting, trapping, animal research, or protection of life or property—but it is not an offence to kill an unowned animal without a lawful excuse. Currently, animal crimes are considered property offences under the Criminal Code. The vast majority of Canadians have stated that they think all animals should be protected because they can suffer, regardless of whether they are somebody's property.

There is currently no offence for particularly heinous crimes of brutally and viciously killing animals. This kind of offence is needed to address hopefully very rare but very violent crimes that would otherwise fall through the cracks and are certainly an indication of violent crimes in our society that need to be addressed.

Having a separate section for cattle doesn't make any sense in the 21st century, and also referring to different types of animals in the current legislation, such as birds, dogs, cocks, is just very outdated. We think it needs to be fixed. And of course there are the inadequate penalty provisions, which this bill does fix.

We feel that Canada's current animal cruelty law is an embarrassment: it's out of date, it's ineffective, it's inadequate. Passing Bill S-203 will relieve neither the embarrassment, the ineffectiveness, nor the inadequacy.

It appears that there is considerable pressure to get Bill S-203 passed. Most politicians seem to be tired of discussing animal cruelty amendments and just want to get something enacted. But passing archaic, inadequate legislation just to get something passed is not what Canadians expect of our Parliament.

Canadians have spoken out against Bill S-203 repeatedly and in large numbers. The horrific case a little over a year and a half ago of Daisy Duke, a dog in Didsbury, Alberta, that was beaten, bound, and dragged behind a car, last year sparked a petition, which 111,000 Canadians signed, specifically worded as opposing Bill S-203, at that time called Bill S-24. That's a very large number of signatures on a petition.

A national survey conducted by SES Research in November 2006 found that more than 85% of Canadians think wild or stray animals should be protected from cruelty. The response to that question was virtually the same from all regions of the country, from urban and rural areas, and from those who hunt or fish.

More than 76% of Canadians support changing the law so that animal cruelty crimes are no longer property offences. In fact, people living in rural areas, those who hunt or fish, and people who traditionally vote Conservative are even more likely to support that change.

As you know, Mark Holland has tabled Bill C-373, which is almost identical to the bill that had gained widespread support in 2003. Let's not forget that the said bill had the support of all political parties in the House of Commons, of animal protection organizations, veterinarians, police associations, and the majority of animal use industries, including farmers, trappers, and researchers. You are now considering passage of a bill that doesn't have anywhere near that level of support.

One rather powerful sector that didn't support the bill in 2003 was the hunting and fishing lobby, which actually asked for a specific exemption from the animal cruelty sections of the Criminal Code. That is like asking for the right to be cruel to animals, which is not appropriate in the Criminal Code. I'm quite sure most hunters and anglers have no desire to be cruel to animals, so they certainly don't need such an exemption, and it's just not appropriate.

These powerful groups, the anglers and hunters, have successfully convinced politicians that a bill like Bill C-373 would make hunting and fishing illegal because they don't think it would be considered a lawful excuse. That premise is precisely why these groups are here today trying to convince you to pass this bill. But really, the term "lawful excuse" means "that which is lawful". It is preposterous to suggest that heritage activities such as hunting, fishing, or trapping would not be considered lawful.

Those groups that oppose Bill S-203 do so not because of what it does but because of what it does not do. That is why you should oppose this bill, and that's why we oppose it.

Many have acknowledged that this bill doesn't fix all the problems but suggest we should do this now and fix the rest later. As politicians, you know that's not likely to happen. You know it will take years, maybe decades, before this Parliament is prepared to consider more animal cruelty amendments.

• (1535)

So the question is whether you support a wholly inadequate bill, just so you can say you did something, or you listen to Canadians and to SPCAs across Canada that enforce the laws, and reject this archaic and defective bill that won't improve the lives of abused animals.

I'm going to pass it over to Hugh. He's the chief inspector for the Ontario SPCA.

Mr. Hugh Coghill (Chief Inspector, Ontario Society for the Prevention of Cruelty to Animals, Canadian Federation of Humane Societies): Thank you for the opportunity to speak before this committee of honourable members.

I'm here today in my capacity as the chief inspector for the Ontario Society for the Prevention of Cruelty to Animals and our more than 50 branch and affiliate societies across Ontario, representing over 250,000 supporters province-wide.

Created in 1873, the Ontario SPCA is among the oldest humane organizations in Canada. The Ontario SPCA is a member of the Canadian Federation of Humane Societies and the Royal Society for the Prevention of Cruelty to Animals. Like the CFHS, the Ontario SPCA is not an animal rights organization. The Ontario SPCA Act, first enacted in 1919, provides inspectors with the powers of a police officer for the enforcement of any act or law relating to the prevention of cruelty to animals. There are no provisions in the OSPCA Act for prosecution of animal abusers except for the relatively new section introduced in 2002 to address puppy and kitten mills. The cruelty to animals section of the Criminal Code has been the only tool in Ontario until recent years.

That being the case, our 200 officers have a great deal of experience in dealing with prosecutions under our very old Criminal Code. We're painfully aware of certain terms in the law that severely restrict our ability to present cases for prosecution. We consult with crown attorneys regularly in an effort to ensure we are doing the best we can, given the inadequacies of the current federal legislation.

In 2006, out of over 15,000 complaints investigated, 517 charges were laid, 355 of those under the Criminal Code. Over 2,000 Ontario SPCA orders were issued to animal owners in an effort to relieve animals from distress. In many cases, the first action taken by the SPCA is to educate owners on providing proper care for their animals. Prosecution of offenders is a last resort.

When an Ontario dog owner pushed his dog to the ground with such force that he broke the dog's leg and a veterinarian indicated that the force needed to cause the injury was consistent with being hit by a car, the judge dismissed the Criminal Code charge because he felt that the accused did not wilfully intend to break the leg of the dog and thereby cause the pain and suffering.

When the owners of a small zoo simply walked away from the animals because they were not making enough money, leaving the animals to starve, the court felt that they had not wilfully intended to starve the animals and the charge was dismissed.

When a man shot and killed a stray dog for no apparent reason, he could not be prosecuted because our inspector could not prove that the dog was kept for a lawful purpose, since no owner was ever found.

I respectfully submit to you that the Ontario and the Canada of the late 1800s are substantially different from the time we live in now, and the laws that rule and govern conduct must reflect current policy, current society, current needs, and current crimes. It would be a mistake to pass Bill S-203, and on behalf of the Ontario SPCA, I urge you not to pass this bill. Thank you.

•(1540)

The Chair: Thank you, Mr. Coghill and Ms. MacDonald.

We go now to the Ontario Federation of Anglers and Hunters, with Mr. Greg Farrant.

Mr. Greg Farrant (Manager, Government Relations, Ontario Federation of Anglers and Hunters): Good afternoon, Mr. Chair and members of the committee.

On behalf of the Ontario Federation of Anglers and Hunters, our wildlife affiliates in B.C., Manitoba, Saskatchewan, Nova Scotia, Quebec, New Brunswick, Newfoundland and Labrador, the Northwest Territories, and the Yukon, the Canadian Sportfishing Industry Association, and the Delta Waterfowl Foundation, I appreciate the opportunity to appear before you today to comment on Bill S-203, introduced on October 17, 2007, by the Honourable Senator John Bryden.

You have before you a copy of my original comments, but due to some time constraints, I'll give you an abridged version of my remarks. In the process, I want to acquaint you with an example of a similar debate that occurred in another jurisdiction not too long ago—which Mr. Coghill in fact has already referred to—and demonstrate how it parallels the situation here today.

As Senator Bryden has noted repeatedly—and, in our view, correctly—there is a general consensus among Canadians that currently in the Criminal Code penalties dealing with animal cruelty are not sufficient, are not reflective of the seriousness of these crimes, and do not provide an effective deterrent. We agree. The debate over changes to the Criminal Code with respect to cruelty to animals, which began 10 years ago, has, however, failed to advance the issue one iota. Passage of Bill S-203 offers us the opportunity to correct that wrong.

•(1545)

The bill provides us with the means of addressing the need for increased fines and penalties against animal abusers without

changing the existing substantive offences in the Criminal Code. All existing defences and rights, including aboriginal rights, would be preserved. This would lead to a certainty of interpretation due to the existence of a well-established body of case law. Under a bigger bill, new offences would be created with no case law to back them up.

It also speaks to the need to make changes to the Criminal Code that may in fact help eliminate the patchwork of punitive measures that exist across the country currently.

In June, 2007, the OSPCA expressed concerns about the inability of the Ontario courts to levy more serious penalties against an individual accused of a specific animal abuse. They noted that had the defendant lived in Alberta, British Columbia, or New Brunswick, the person would have been subject to the exact same penalties being proposed by Senator Bryden in this bill, since those provinces had already moved to strengthen provincial statutes.

The Ontario government has also been watching the progress of Bill S-203 with great interest. Last fall, the Minister of Community Safety and Correctional Services stated that amendments to the Ontario SPCA Act, including the removal of the current cap on orders prohibiting an offender from possessing an animal, were being contemplated but may not be necessary if Bill S-203 is passed into law.

The increased penalty levels proposed in Bill S-203 mirror those that were included in several previous government bills and are based upon an extensive survey of the animal cruelty statutes in other jurisdictions. The changes proposed by Bill S-203 are consistent with where other jurisdictions have been going in this area, are consistent with the sentencing scheme that applies in the Criminal Code in general, and, according to a senior justice official, “constitute a significant improvement to the current law regarding sentencing, with which all Canadians would agree”.

Senator Bryden and others have already spoken in detail about Bill S-203, and as skilled legislators, you all understand what the bill does and does not do. So I'll use my remaining time to review the parallel example I mentioned earlier.

In 2002, in the province of Ontario, two bills were introduced to amend the Ontario SPCA Act. The first simply sought to increase fines and penalties against illegal puppy mills. The second bill contained similar penalty provisions. But it went well beyond simply increasing fines and penalties by proposing sweeping changes that had the potential to impact negatively upon legal, regulated practices.

The first of these bills was similar in intent to Bill S-203. The latter was similar in many ways to previous government bills that have been before Parliament over the last decade but did not pass. In Ontario, the simpler bill passed with the help and support of us and our colleagues at the Ontario Farm Animal Council. Understandably, the OSPCA initially supported the more comprehensive bill, but in the end, they realized that some progress was better than nothing and threw their support behind the other bill to move forward.

Since the passage of that bill, illegal puppy mills have faced increasing scrutiny, and the opportunity to lay charges has been strengthened.

Over the past two weeks, articles have appeared in several media sources across the country extolling the virtues of both previous government bills and the bill introduced by the honourable member for Ajax—Pickering. These same articles included a comment that suggested that the passage of Bill S-203 would be a sad day.

It defies belief how the passage of simple legislation that increases the court's ability to more severely punish animal abusers could be construed in this fashion, unless there is another agenda at play.

My confusion was apparently shared by a former animal cruelty inspector, who responded to these same media articles with a sense of indignation. He noted in his letter to the media that the cases cited in the articles could already be prosecuted under existing law. So what was the purpose of bringing in new laws? His comment is supported by statistics provided by a previous witness who quoted figures in the OSPCA annual report that demonstrate that the number of charges being laid are up. Convictions are successfully achieved in 80% to 90% of the cases under the current law. The former inspector who responded to those media articles noted that simply increasing the penalty should suffice, which is something that Bill S-203 does.

•(1550)

Last week, with reference to the previous government bills that failed to pass, a witness before this committee pointed out that poorly written laws are no substitute for inadequacies in the current law. We strongly concur, as apparently does the animal cruelty inspector I referenced before, who noted that bad laws won't protect animals from cruelty, but tougher enforcement and longer sentences might.

In this country there is strong, broadly based support for the new penalties contained in Bill S-203, both inside the government and in the broader general public. The bill has already been approved by the Senate. It represents the best opportunity in the last 10 years to pass legislation that addresses legitimate public concerns about heinous acts of animal cruelty and provides a more effective response than what is currently available.

Despite the unfortunate characterization by some of Bill S-203 as the lesser of two evils, which it clearly is not, passage of the bill will change the status quo and will give the courts the tools to sentence persons convicted of criminal offences against animals to more meaningful penalties that reflect the nature of these crimes.

We find ourselves on the cusp of an opportunity to do the right thing. The will to effect change clearly exists, and the debate around this issue has dragged on long enough. Before me you will see the

evidence of that. These are all the debates in Parliament we've been through on these bills over the last 10 years, and yet no progress has been made.

Senator Bryden's attempt to propose a workable solution should be applauded. His bill may not be all things to all people, but it is a step forward and needs to be passed unamended; otherwise the debate will continue and the best opportunity we've had in a decade to achieve something of value will have been lost.

I thank you again, honourable Chair and members of the committee, for your time, your courtesy, and the opportunity to appear before you here today. Thank you.

The Chair: Thank you, Mr. Farrant.

Now to the International Fund for Animal Welfare presenter. Would that be you, Ms. Cartwright?

Mrs. Barbara Cartwright (Campaign Manager, International Fund for Animal Welfare): I'll begin, and then Kim will follow up. Thank you.

Honourable members of the House Standing Committee on Justice and Human Rights, thank you for the opportunity to appear before you today.

My name is Barb Cartwright, and I'm the campaign manager at the International Fund for Animal Welfare. Today, I will provide you with an overview of why I oppose Bill S-203 and why it will not effectively protect animals from acts of cruelty. Then my colleague, Kim Elmslie, will present you with information on how Canada's legislation is falling behind other countries around the world.

The International Fund for Animal Welfare's mission is to improve the welfare of wild and domestic animals throughout the world by reducing commercial exploitation of animals, protecting wildlife habitats, and assisting animals in distress. IFAW seeks to motivate the public to prevent cruelty to animals and to promote animal welfare and conservation policies that advance the well-being of both animals and people.

IFAW has more than two million supporters and is staffed by 300 experienced campaigners, legal and political experts, and acclaimed scientists in 16 offices around the world. IFAW has more than 45,000 supporters here in Canada.

As our name suggests, IFAW is an animal welfare organization and not an animal rights organization. We are a science-based organization that works closely with industry groups and governments to provide constructive input into policies and standard practices.

For the past nine years, IFAW has worked alongside parliamentarians to develop modern and effective animal cruelty legislation. We want to continue that work with you now to bring Canadians the legislation they expect.

IFAW is opposed to Bill S-203 because it is an ineffective piece of legislation, making a perfunctory attempt at dealing with the vast majority of Canadians' concerns about our outdated and inadequate laws dealing with animal cruelty. Bill S-203 upholds inadequacies and loopholes that exist in the current legislation and maintains its ineffectiveness in gaining convictions. Less than 1% of complaints about animal cruelty lead to successful convictions. Raising fines does nothing to raise conviction rates, and this is not acceptable.

You will hear time and again that this is an issue of high importance to Canadians. Our office is inundated with calls and emails from our supporters and from the public requesting IFAW do something to protect animals from cruelty. Canadians want offenders punished. However, to be punished, they first must be convicted. A 2006 poll conducted by SES Research found that more than 85% of Canadians wanted legislation that will make it easier for law enforcement agencies to prosecute those who commit criminal cruelty to wild and stray animals.

During the last session of Parliament, a petition was entered into the House in which 111,000 Canadians opposed Bill S-213, S-203's predecessor. Recently, our office has received more than 170,000 letters and postcards also opposing Bill S-203.

Although Canadians continue to demand substantive changes to our legislation that will truly protect animals from cruelty, the Senate has championed legislation that does nothing to address the well-known inadequacies or modernize the Criminal Code of Canada. Merely increasing penalties is not the critical issue. Creating effective, enforceable, and comprehensive law is.

• (1555)

We have heard testimony during committee that parliamentarians should pass Bill S-203 now and fix it later. It is not responsible lawmaking to pass legislation that is known to be ineffective and unenforceable, with the hope that someone else will fix it later.

It is possible to pass detailed, strong animal cruelty legislation and have a thriving animal-use industry as well as a hunting and angling society. We see evidence of this in the many countries around the world that have passed such legislation and continue to farm, fish, research, and hunt, some avidly.

I will now ask my colleague Kim Elmslie to discuss some of that legislation with you.

Mrs. Kim Elmslie (Campaigner, International Fund for Animal Welfare): Thank you.

My name is Kim Elmslie and I'm the anti-cruelty campaigner for IFAW. We're here today because almost every day there are horrific acts of cruelty to animals. Within the first two weeks of January, there were three high-profile cases, including a house cat that was killed in a microwave by four teenagers, five puppies that were thrown down a public outhouse to die, and a man who killed a puppy with a hammer.

These stories outrage and anger Canadians and renew calls for modern and effective legislation. IFAW recently completed a report entitled "Falling Behind - An International Comparison of Canada's Cruelty Legislation". IFAW compared Canada's animal cruelty legislation with that of 13 other countries around the world, including Austria, Croatia, Great Britain, Germany, Malaysia, New Zealand, Norway, the Philippines, Poland, Portugal, South Africa, Switzerland, and Ukraine.

The report revealed some startling facts. Canada is the only country that makes it virtually impossible to prosecute cases of neglect. Canada ranks at the bottom of all comparisons. Canada is alone in offering virtually no protection for wild and stray animals. Canada's legislation does not include a clear definition of "animal", whereas other countries are explicit. Canada is the only country that does not provide protection for animals being trained to fight each other.

Effectively updating the Criminal Code of Canada will provide the courts and police with the clear means to prosecute and convict, and potentially reduce the instance of unacceptable animal cruelty. It will also allow politicians to respond to the overwhelming majority of Canadians, representing all political parties, who are outraged by heinous acts of animal cruelty.

Finally, modern and effective legislation to protect all animals will bring Canada up to standard on the global stage.

You have before you a copy of our report. I'm going to go into a couple of brief examples. The cruelty provisions within the *Criminal Code of Canada* have not been updated since 1892. There's wording within the code that is outdated and counter-productive to its purpose. This is obvious in the use of the term "wilful neglect". This phrasing requires the courts to prove that neglect was intentional. Not one of the other 13 countries studied in our international report requires the courts to prove that neglect is intentional. Rather, the trend in other countries is to ensure that a minimum duty of care is met for those who care for animals.

For example, in New Zealand, the Animal Welfare Act states that those who keep or are in charge of an animal must take all reasonable steps to ensure that the physical health and behavioural needs of an animal are met with both good practice and scientific knowledge. This means that it does not matter whether the individual intended to contravene the act or intended neglect. The actions or inactions of offenders are sufficient to charge them with neglect. The Norwegian Animal Welfare Act states that neglect suffered by an animal does not need to be done wilfully by the owner; the actions themselves are sufficient for an offence to have been committed.

In Canada it is a crime to be present at an animal fight; however, due to outdated loopholes in the legislation, it is still legal to breed, train, or profit from fighting animals.

Of the 14 countries we surveyed, Great Britain's Animal Welfare Act 2006 provides one of the most progressive stances towards animal cruelty. It discourages both animal fighting and the training of animals to be aggressive. Section 8 of the act makes it an offence for a person to cause an animal fight, to take money for admission to such fights, to publicize or promote animal fights, to inform another person of an animal fight, to be in possession of something used for an animal fight, to keep and train animals for fighting, to keep premises for animal fighting, or to be present at an animal fight.

The act also makes it an offence to supply, without lawful excuse, a video of an animal fight; to knowingly publish a video of an animal fight; to knowingly show a video of an animal fight; or to possess a video of an animal fight.

Criminalizing the training of animals to fight each other is also present in legislation in Austria, Croatia, Germany, New Zealand, and Ukraine, among others.

• (1600)

Globally, there is an increasing trend in the political prioritization of animal welfare. Over the last few decades, countries from all over the world have created legislation that moves animals out of the realm of property, as they're designated in Canada—a designation that is maintained in Bill S-203—and recognizes them as beings that require minimum standards of protection. The concept of animal welfare addresses the obligation we have to ensure good stewardship for the animals we make use of.

IFAW requests that the justice committee oppose Bill S-203. It is ineffective in protecting animals from wanton acts of cruelty and doesn't provide law enforcement officials with the tools they require to successfully charge individuals. Bill S-203 is out of touch with global laws created to protect animals from cruelty and disregards the wishes of a vast majority of Canadians.

Thank you again for letting us present today.

The Chair: Thank you, Ms. Cartwright and Ms. Elmslie.

I will now turn to Mr. Jim Pippolo from the Canadian Professional Rodeo Association.

Sir, you have the floor.

Mr. Jim Pippolo (Acting General Manager, Canadian Professional Rodeo Association): Good afternoon. My name is Jim Pippolo. I'm the acting general manager and rodeo administrator for

the Canadian Professional Rodeo Association based in Calgary, Alberta.

It's an honour for us to be here to give you our opinions on Bill S-203, and we thank Mr. Hanger and all the committee members for inviting us.

The Canadian Professional Rodeo Association is the official sanctioning body for professional rodeo in Canada. We sanction approximately 55 to 60 rodeos in Canada every year, with a payout of nearly \$5 million annually. Almost one million people attend our events yearly.

There are approximately 1,400 members in our association. These members care for animals on a daily basis. They have thousands under their care, whether they're their own or belong to people they work for. Our members come from ranching backgrounds and have been raised around livestock their entire lives. The heritage of some of them can be traced back to the start of this great country we live in.

We feel that our members are expert livestock handlers. Rodeo is part of our chosen lifestyle—a tradition handed down from our forefathers, who developed the events and turned them into a competition. Who could ride the unrideable horse, who was the best roper, or who had the fastest horse all became part of our chosen sport—rodeo. It has evolved over the years into a cultural sport for ourselves, just as urban friends enjoy their sports of hockey, football, lacrosse, track and field, to name but a few.

The Canadian Professional Rodeo Association's board of directors governs the sport in Canada. They are assisted by up to 20 professional rodeo judges and 11 directors. Our judges attend seminars to ensure that our rules and regulations are enforced in a fair and consistent manner and that the code of practices for the handling of rodeo livestock is adhered to. We have almost 60 rules and regulations that deal with the safety and welfare of our rodeo livestock—in fact, they are our co-competitors in competition.

Disciplinary action comes in the form of fines, suspensions, disqualifications, or a combination of them, and they are not taken lightly by our association.

From Bill C-17 through Bill S-203, our association has closely followed the development of bills that deal with animal cruelty. We feel that Bill S-203 can achieve what is required to protect all animals from intentional cruelty or wilful neglect. It will increase the penalties, both monetarily and through lengthened prison sentences. It will remove animals from the possession of convicted persons, and it could place lifetime bans on serious offenders from ever caring for or owning livestock. It will give prosecutors the option of trying cases by way of indictment or summary conviction, depending on the seriousness of each case. It will empower the courts to make restitution orders if the costs are readily ascertainable.

The Canadian Professional Rodeo Association supports this progressive and improved legislation to increase protection for animals from cruelty and abuse without compromising the legitimate use of animals in our daily business, be it ranching, show jumping, farming, horse racing, rodeo, or many others. Bill S-203 does this. It is time the laws were updated.

Unfortunately, animal cruelty has not and may never be eliminated, but to strengthen the power of well-established laws that already exist is a great step forward for all Canadians. I think in everyone's life there has been a time when an animal has truly touched our hearts, be it a cat, a dog, a horse, or, in my case, a rodeo animal. That special moment will stay with us forever.

On behalf of the Canadian Professional Rodeo Association, its members, and the millions of rodeo fans out there, I would like to thank you for this opportunity to address this committee on what we feel is truly a step in the right direction to eliminate animal cruelty, which is Bill S-203.

Thank you.

• (1605)

The Chair: Thank you, Mr. Pippolo.

Now from the Canadian Association for Humane Trapping, Mr. Mitton.

Mr. Don Mitton (Project Director, Canadian Association for Humane Trapping): Good afternoon, honourable members, and thank for the opportunity to speak to you today about amendments to the animal cruelty sections of the Criminal Code.

I'm Don Mitton, project manager for the Canadian Association for Humane Trapping.

Since 1954, the Canadian Association for Humane Trapping has been diligently and responsibly working toward abolishing the pain and suffering of animals that are trapped for any reason. We have done that by encouraging and supporting research and development of more humane trapping systems and devices, through promoting appropriate legislation, and by encouraging and promoting trapper education.

The current cruelty to animals sections of the Criminal Code are archaic and for many years have not reflected Canadian society's view of animals and what is acceptable treatment. Reform is long overdue. But reforming only the sentencing provisions and leaving the outdated offences unchanged just makes no sense.

One problem in the current law is that the offence of killing an animal without lawful excuse applies only to owned animals. CAHT believes that this protection should be afforded to all animals, including wildlife, since lawful excuse already includes such activities as hunting, trapping, fishing, and scientific research, etc.

As you know, efforts to modernize Canada's federal animal cruelty law have been going on for more than eight years now, starting with a bill introduced by the Liberal government of the day in 1999. There has been considerable debate, both at the political level as well as among various stakeholders, over the years. Compromise was made and, with a few amendments, accepted in 2003. Almost all stakeholders were in agreement.

It is important to note the extremely broad support the bill had in 2003. Humane societies, SPCAs, animal care and control agencies, other animal protection groups, veterinarians, and police associations have been onside since the beginning.

But various animal-use industry groups were concerned about being exposed to risk of prosecution for carrying out their standard practices under the proposed new bill. These concerns were put to rest with the amendments in 2003, and the bill was supported by dozens of national organizations representing farmers, trappers, researchers, and others.

Many of these animal-use industry groups formed a large coalition that actively and repeatedly called on government to reintroduce the bill after it died on the order paper. I understand you heard from this coalition last week. Unfortunately, the one group that did not agree was the Ontario Federation of Anglers and Hunters, which shamelessly asked for a specific exemption from the Criminal Code. Asking for an exemption from the animal cruelty section of the Criminal Code equates to asking for permission to be cruel to animals.

The fundamental concepts of good animal cruelty legislation are to prohibit wilfully and negligently causing unnecessary pain and suffering, killing animals without a lawful excuse, and abandoning or negligently failing to provide proper care for an animal. Why would anyone need an exemption from these offences? It is akin to exempting police officers or hockey players from assault laws, and we don't do that. No one should be exempt from the Criminal Code.

The CAHT believes that this radical position taken by the powerful lobby groups representing hunters and anglers led to the very introduction of Bill S-203. These groups convinced politicians that the bill that had so much support in 2003, now tabled as Bill C-373, would make hunting and fishing illegal.

With all due respect, that is an absurd notion. There is absolutely no legal basis on which to suggest that hunting, fishing, or trapping would become illegal any more than farming, scientific research, and euthanizing animals have been illegal for the past 115 years. The term "lawful excuse" permits lawful activities.

The Criminal Code responds to an individual's crimes against animals rather than legitimate industry practices to kill or use animals. Reasonable, widely accepted industry standards that avoid causing unnecessary pain, suffering, or injury will qualify as a lawful excuse.

Legislation, regulations, and other lawful excuses permit over 400 million animals to be raised and killed in Canada each year. SPCAs and humane societies kill many thousands of unwanted or unhealthy animals each year, as authorized by provincial statutes in accordance with approved euthanasia methods.

●(1610)

Statutory provisions enable householders to kill mice, rats, and legally defined pests. Slaughterhouses are federally or provincially authorized to kill livestock. Researchers can kill experimental animals pursuant to the guidelines of the Canadian Council on Animal Care. Licensed hunters, trappers, and anglers are authorized by provincial legislation and permits to kill wild animals and fish.

However, the requirement that no one can intentionally cause pain and suffering or injury to an animal using any means that is unnecessary continues as a fundamental requirement in all cases. This is how it is today and how it would remain under a bill like Bill C-373.

CAHT urges this committee to listen hard to the views of the majority of Canadians, and to humane societies and SPCAs across Canada, the very people who are using and applying the law. These organizations promote animal welfare, not animal rights.

CAHT knows that Canadians want better animal cruelty legislation. They have spoken out against Bill S-203.

We hope this committee will see that good legislation is about so much more than just penalties. Given the polarization of this issue, rushing to make a decision is both ill-advised and contrary to the democratic process.

Thank you.

The Chair: Thank you, Mr. Mitton.

Mr. Coghill, you hold the rank of chief inspector. For my benefit and the benefit of the committee, under what act do you apply Criminal Code offences?

Mr. Hugh Coghill: I'm the chief inspector for the Ontario SPCA. It's the Ontario SPCA Act that creates the organization, and the position is an appointment by the board of directors.

The Chair: Can you apply the Criminal Code?

Mr. Hugh Coghill: The Ontario SPCA Act grants the powers of a police officer to all inspectors and agents appointed under the OSPCA Act.

The Chair: So you can lay Criminal Code charges?

Mr. Hugh Coghill: Yes, sir.

The Chair: Right. Okay.

And, Mr. Mitton, your organization represents a number of other individuals, associations, or...?

Mr. Don Mitton: Our organization is made up of a number of members from across Canada who are interested in addressing pain

and suffering by animals that are trapped. We work with all agencies and organizations, where possible, to attempt to alleviate that pain and suffering.

●(1615)

The Chair: Are they trappers?

Mr. Don Mitton: Yes. We work with trapping organizations. We do trapping education programs. And we have assisted in the funding of trap research in association with the Fur Institute of Canada and the University of Alberta to improve the types of traps available for our trappers.

The Chair: Thank you, sir.

We will go to questions now.

Mr. Bagnell.

Hon. Larry Bagnell (Yukon, Lib.): Thank you very much.

Thank you all for coming. Those were very interesting perspectives on the bill.

One thing I want to add for the record is that another reason all of us in Parliament want to deal with this is that there are proven tests that animal cruelty leads in direct proportion to increased human cruelty and offences against human beings. It's very serious.

I have a bunch of questions, so hopefully the answers won't be too long.

Inspector, I, too, would like to make sure that in the future animal fighting will be totally prohibited. I'm curious as to whether any of those 300 or so convictions you mentioned were related to animals fighting in Ontario or anywhere else.

Mr. Hugh Coghill: There haven't been any specifically with regard to fighting. It's very, very difficult under the wording of the current legislation to get a conviction. An enforcement officer would literally have to burst in at the time the animals were fighting each other in order to get a conviction under that section of the Criminal Code of Canada.

With dog-fighting cases we've more likely gone with charges of failing to provide suitable and adequate care, after the fact. These are animals that have been victims of dog fighting and have not received proper veterinary care. Or we have used the charge of wilfully causing unnecessary pain and suffering, which is a difficult thing to prove in court because of the issue with the word "wilfully".

Hon. Larry Bagnell: I have a couple of questions about stray animals, but first, have there been convictions for animals that aren't people's pets?

Mr. Hugh Coghill: Are you referring to killing an animal without lawful excuse?

Hon. Larry Bagnell: Well, anything relating to convictions on animal cruelty.

Mr. Hugh Coghill: Not under that particular section, which says—

Hon. Larry Bagnell: Under any section, then; have there been any convictions of people being cruel or doing something to animals that aren't their pets?

Mr. Hugh Coghill: Yes.

Hon. Larry Bagnell: There have been.

I'm assuming—without getting into all of the other side details—that no one on the panel disagrees that we should increase the penalties.

Okay, good.

Mr. Farrant, I know I'm getting away from the bill we're debating, but I think three of the other parties talked about wild, feral, stray animals being, to quote from a submission, “virtually unprotected”.

Again, I know this is not the bill we're dealing with, so you may not have information on it, but do you or Mr. Pippolo have any comments on that?

Mr. Greg Farrant: The only comment I would have on that, Mr. Bagnell, is that in testimony before the Senate Standing Committee on Legal and Constitutional Affairs on November 9, 2006, Mr. Piragoff, Senior Assistant Deputy Minister for Justice Canada, addressed that issue. He suggested that under, I believe, paragraph 446(1)(a), stray animals indeed are covered under the Criminal Code and are covered under the current law.

So the suggestion that wild or stray animals are not covered is not correct, according to what he and Ms. Klineberg said in testimony that day, as I read it.

Hon. Larry Bagnell: I'll start this question with Mr. Pippolo, but anyone else can answer, if they wish.

You mentioned that this bill we're discussing today would allow offences to be hybrid offences, go by summary or indictable. Just for our information and our knowledge base, what difference would that make from the present situation?

If you can't answer that, someone else in the panel is welcome to do so.

•(1620)

Mr. Jim Pippolo: I'll pass on the question. I have some information on it, but not a lot.

Hon. Larry Bagnell: Mr. Farrant, and then Shelagh.

Mr. Greg Farrant: Once again, I'll quote from Mr. Piragoff of the justice department:

One aspect of Bill S-213 would make all offences hybrid, meaning the prosecution could choose to proceed by way of summary conviction procedure or by way of indictment, depending on the seriousness of the case. It would then separate offences into two categories: one for injuring animals intentionally or recklessly, the second for injuring animals by neglect. That is an important distinction because under traditional criminal law principles, actions that are done knowingly or even with recklessness as to the consequences are treated as more serious than those committed by criminal neglect or by gross inadvertence.

I'm not a lawyer, so don't ask me to explain that, but that was his definition of what is meant by hybrid offences.

Hon. Larry Bagnell: Shelagh, did you want to come in on that?

Ms. Shelagh MacDonald: Sure.

The idea of making them hybrid offences is so that we can proceed with a more serious offence for particularly heinous crimes. Certainly we think that the majority of crimes would still be convicted as summary conviction offences, but in the case of repeat

offences or particularly heinous crimes that are very violent or where there's huge animal suffering involved, the society definitely thinks it's appropriate to prosecute those as hybrid offences.

So it's recognizing that animal crimes are a form of violence in our society that can be charged more seriously.

Could I respond to the last question you had, just quickly?

Hon. Larry Bagnell: Really quickly, because I have another question.

Ms. Shelagh MacDonald: I just wanted to quote also from Joanne Klineberg in that very same testimony at the legal and constitutional affairs committee. She spoke after Mr. Piragoff, and made the point that the actual words do apply that an animal can be a wild or stray animal:

Nonetheless, exceptionally few cases have been decided on this point. All I have been able to find in the jurisprudence is cases that suggest that, as a matter of theory in some other case, this could apply to wild or stray animals.

Now, although Mr. Coghill mentioned that it is possible to prosecute cases against wild or stray animals, it is very difficult, mostly because they are currently considered property offences and just because animal crimes are not serious offences.

The Chair: Mr. Bagnell, you have no more time.

Mr. Farrant, don't worry about the legal definition that you read off. There are seven lawyers sitting at this table, and every one of them understood exactly what you were saying.

Monsieur Ménard.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Thank you.

First of all, I apologize for having missed the first part of your presentations, but there was a debate in the House on the security certificates. From time to time the committee sits while we are dealing with bills for which that committee or a related committee is responsible.

The Bloc Québécois caucus recognizes the superiority of Mr. Holland's bill in terms of definition and scope. There is no doubt that the two bills cannot be compared. The discussion must establish a comparison with the status quo. Apparently it is a question of prison terms from six months to five years. There may be restitution orders. The bill defines what it means to inflict cruel treatment causing pain. It seems to us that the bill we are dealing with is not incompatible with Mr. Holland's bill, that we will be studying later on if there are no amendments. The more we listen to witnesses, the more we are convinced that you are asking us to defeat this bill. The two bills are not fundamentally incompatible. If we had to choose between the two, and if we were told that before a certain number of years a single bill would be studied by elected representatives, Mr. Holland's would obviously be far more satisfying. Given the number he has drawn in the House's order of precedence, must we make do with the status quo, or wait for Mr. Holland's bill? Why not take advantage of this intermediate measure that this bill is putting forward, which represents a clear improvement in comparison with the status quo? I am open to all arguments. Perhaps Ms. Freeman and I should be making other arguments to our caucus, but we believe that we should vote in favour of this bill, which is not incompatible with Mr. Holland's, and, ultimately, we should adopt his bill.

I find that that is not the perspective of the people who have been appearing before the committee for the last few days. I will begin with you, Ms. Elmslie. Are you happy with our strategy or would you invite us to abandon it?

• (1625)

[English]

Ms. Kim Elmslie: I think we have to look at what Canadians want and at what is best for animals.

I know it can be alluring and seductive to want to increase penalties, but when we look at how low those conviction rates are and how long it has taken us to get here, what are we really improving? So we're not doing what the majority of Canadians want.

Greg, very thoughtfully, brought this stack of what looks to me like democracy sitting on the table, this large debate that has gone on for nine years. And you're so close to getting the kind of legislation that truly will protect animals, which Canadians truly want. I think it's worth it to continue to go after a bill that, as you said, is much more appetizing.

[Translation]

Mr. Réal Ménard: I would like to know what the other witnesses feel about this.

[English]

Mr. Greg Farrant: You're quite correct. I appreciate the question. I don't share that opinion, nor do the people I represent. Realistically, I don't think anybody sitting at this table would suggest that the passage of Bill S-203 will end the debate on this issue either now or in the foreseeable future.

The question you have to ask yourselves is this. It's been 10 years since the justice department first put out its consultation paper on potential amendments, or proposed amendments, on this issue, and

we're still sitting here debating this issue. Nothing has been advanced in that time.

We're all aware of the vagaries of Parliament. We're also aware that all of you sitting here today are subject to what is euphemistically known as the largest public consultation, a general election. There is rumour consistently on the Hill that an election may be coming sooner than later. If that, indeed, is the case and it comes sooner than we would have hoped, both of these bills will be lost and we are back to square one again.

Bill S-203 is at a stage now in the House much farther advanced than we have managed to get it in a long time. With all due respect to the honourable member for Ajax—Pickering, his bill is far behind this in the rota in the House.

This bill before you today requires a vote on report when it comes out of committee, third reading, and it's done. We at least, then, should we be subject to the possibility of a future general election—

[Translation]

Mr. Réal Ménard: That is fine, I understand your perspective. I would like to hear from all of the panellists during the time that I have been allotted.

Go ahead.

[English]

Ms. Shelagh MacDonald: Sure. I'd like to add a comment.

I would suggest, as indicated by that pile of papers, that the debate over the last eight years has been substantial. In House committees and Senate committees, there has been extensive debate on this issue. I can't see how we can say that no progress was made. Substantial progress was made in 2003, when amendments were accepted that brought pretty much everybody onside. That's why I think it's crazy to throw the baby out with the bathwater. When we came to the 11th hour, we were 99% there. It's not true that this bill has gone further than the bill in 2003. That bill in 2003 was one step away from receiving royal assent, and now we're looking at passing it. It's huge that we were so close, and the Senate, an unelected body, wouldn't allow it to pass.

It also seems to me that Mark Holland's private member's bill is not the only way to get this job done. If the governing party were to take on that bill and listen to the will of Canadians, we could get this done very quickly.

Mr. Hugh Coghill: I agree with Shelagh MacDonald on that.

Certainly, the Ontario SPCA supports Mr. Holland's bill and can't support Bill S-203 the way it is now. With its wording, we're still stuck with the same sections of the Criminal Code we've been struggling with for 115 years. I think the time has come for some change.

The Chair: Mr. Ménard.

Mr. Réal Ménard: I cannot complete this...?

The Chair: I will let you complete the circuit.

Mr. Pippolo, a quick comment, and then Mr. Mitton.

Mr. Jim Pippolo: We feel at the Canadian Professional Rodeo Association that there's animal cruelty going on every day out there. We need something done about it. I think the time has come to move forward with what is in front of us now, which has reached the stage it has.

Thank you.

• (1630)

Mr. Don Mitton: Our position is that Bill S-373 addressed the issues and that the current bill before you only speaks to penalties after one-hundred-and-some-odd years. The pets, the animals, and the people of Canada deserve better.

The Chair: Thank you.

Mr. Comartin.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Thank you, Mr. Chair.

Thank you for being here, witnesses.

Mr. Coghill, if I could start with you, the committee is getting significantly contradictory information coming before it on the success rate of prosecution. We heard from Mr. Farrant today, and from the coalition last week, that the conviction rate is up in the 80th or 90th percentile range. We are hearing from Ms. MacDonald, Ms. Cartwright, and Ms. Elmslie that the conviction rate is .025.

You're in the field—and in the courts, I'm assuming, on occasion. Can you give us an assessment as to what the real conviction rate is?

Mr. Hugh Coghill: Certainly, and thank you for your question, because it gives me the opportunity to clarify that.

I'm in the court quite a bit. In almost 31 years of being employed by the Ontario SPCA and about four years by the BCSPCA, I've laid many Criminal Code charges and provincial offence charges. I think the confusion comes from a quotation, or perhaps from somebody comparing statistics. I think the Ontario SPCA averages 15,000 to 16,000 cruelty investigations per annum. We lay charges in a range of 500 to 600 per year. I think that's where the 0.1% comes in. So it's not necessarily a conviction but a prosecution rate. They are charges that we feel, based on the existing legislation and the poor wording of the legislation, we'll be able to present to court or to take into the courts.

It's true that our charges were up by 43% in 2004, but there are two reasons for that. First of all, the Ontario SPCA received a penalty section in 2002 under the OSPCA Act. So the 43% increase in charges isn't just from Criminal Code charges; there are provincial offence charges in there as well. So we began laying charges under the puppy mill legislation in Ontario. These charges are lumped into the overall figure. So it's a bit misleading for someone to quote those statistics.

Yes, our conviction rate is very high, at 80% to 90%. I don't have the exact percentile, but it is very high for a number of reasons. The primary reason is that we don't take cases to court frivolously.

Mr. Joe Comartin: Let me interrupt you there, Mr. Coghill.

Are the 15,000 or 16,000 cases you investigate every year just in the Toronto area?

Mr. Hugh Coghill: They are in the province of Ontario.

Mr. Joe Comartin: Of those 15,000 to 16,000, can you tell the committee how many you would like to be able to charge?

Mr. Hugh Coghill: The interesting thing, paralleling those statistics, is the fact that there are over 2,000 Ontario SPCA orders issued to animal owners in an attempt to improve animal welfare. Presumably, a ratio of those would be offences that could be charged if the wording were different in the Criminal Code. I'm not suggesting that it would be 2,000, but it would certainly be something more than the 355, for instance, we had in 2006.

Mr. Joe Comartin: I don't want to put words in your mouth, but if I'm hearing you correctly, you would lay charges in six to seven times more cases if the code were brought in line with what was C-50 and is now Bill C-373, the private member's bill.

Mr. Hugh Coghill: Probably, yes.

Mr. Joe Comartin: All right.

Mr. Farrant, the Ontario Federation of Anglers and Hunters had a request, when Bill C-50 was working its way through the House, that they be exempted from the legislation. Is that correct?

Mr. Greg Farrant: I'd have to go back. We asked for an exemption under the law, I believe—yes, that's probably technically correct—on the advice of legal counsel. I want to be very clear, though, that I don't recall arguing that under that particular legislation hunting and fishing would become illegal. What I do remember arguing on that issue was the fact that the bill, at the time it was being discussed, would open anglers, hunters, farmers, rodeo riders, trappers, medical researchers, and a whole host of people in regulated animal-based or animal-use industries, however you care to define it, to frivolous and vexatious charges in the courts.

• (1635)

Mr. Joe Comartin: I've heard those arguments. If I can stay with that, actually, I have the amendment here, with your card attached to it, from that period of time.

Mr. Greg Farrant: Then you are ahead of me, because I don't.

Mr. Joe Comartin: Last week, again, the coalition, in spite of some of their other opposition to Bill C-50, indicated a willingness to have that section in Bill C-50 about animals being killed brutally put in as an amendment to this bill. Would your association take the same position?

Mr. Greg Farrant: I'd have to go back and take a look at how that would alter the bill, quite frankly. Once you start amending the bill and start opening that door, who is to say where it stops and what other definitions may be included and what other changes may be proposed?

The bill, as it stands now, is a simple, straightforward piece of legislation that does one thing, and does one thing very well.

Mr. Joe Comartin: I assume if I asked you some other questions about other amendments, you would be in the same position. You'd have to go back to the association and look at the bill and determine then whether you could agree or not.

Mr. Greg Farrant: That's correct. Again, I would repeat that this bill is a simple, straightforward piece of legislation, and once you begin to amend it, the doors open; the Pandora's box is unleashed. And who knows where you stop with that? If you pass the bill unamended, as it is, it is simple, it is straightforward, and it immediately can take effect in the courts.

Mr. Joe Comartin: Actually, what it does, Mr. Farrant, is absolutely nothing. It's really an insult to our intelligence to suggest that this is a progressive piece of legislation.

Mr. Mitton—

The Chair: Mr. Comartin, I'm going to ask that you put your question quickly, and then your time will be up.

Mr. Joe Comartin: Okay.

Mr. Mitton, I assume you followed the process of the various incarnations of the bill. I want to know if you agree with this or not. My perception is that we had a coalition of almost all the groups, with a few exceptions. We got it through the House. We got it to the Senate. Some of the groups then convinced the unelected Senate—the unrepresented, the irresponsible Senate—to thwart the passage of that bill and get royal assent.

Would you agree with that assessment of the facts?

Mr. Don Mitton: Yes, I would agree with that assessment.

Mr. Joe Comartin: Thank you, Mr. Chair.

The Chair: Thank you, Mr. Comartin. You're so diplomatic, sir.

Go ahead, Mr. Moore.

Mr. Rob Moore (Fundy Royal, CPC): Thank you, Chair.

Thanks to all the witnesses for being here and for all your briefs. We've all had an opportunity, I'm sure, to read over those and listen to your testimony. It's all very interesting.

We've had representatives from the International Fund for Animal Welfare visit my office, and we've had a bit of this discussion. The situation we find ourselves in with this bill is a little odd. We, as a Parliament, obviously have rules that you are all probably becoming familiar with over the course of the debate on animal cruelty. We deal with one bill at a time in a committee like this. Usually when we have a bill before the committee, whatever the nature of the bill, our discussion is focused predominately on the bill in front of us.

The way things usually work here is that we don't pick one bill or another. That's what makes this issue complex. For one reason or another, whether it's deliberate or not, it's been put to parliamentar-

ians to pick one piece of legislation or another, and that is actually not the way we usually operate. Usually we have a bill in front of us, and we decide around the table if we support the bill or not. Then we decide on other things on other days. We can only really deal with what's in front of us.

My colleague Mr. Bagnell put this question to the panel of witnesses: do you support raising the penalty for animal cruelty? I didn't hear anyone say they didn't support that. I haven't heard any of the members around this table say that they don't support increasing the penalty for a conviction under animal cruelty.

The problem we're faced with is that we have a bill in front of us that admittedly does only one thing: it increases the penalty for animal cruelty. We have a panel that's saying we should increase the penalty for animal cruelty, and yet we're being told not to support the bill. I'd like to know how people reconcile that.

Some witnesses have said that they liked another bill better. That's fair enough. The only problem is right now, today, we're not dealing with that bill. What I would say to that is that we can only deal with this bill now.

We've had all kinds of legislation in this committee on gun crimes, for example. The police come, and the bar association comes. On impaired driving, MADD Canada will come, the Quebec Bar Association, and victims groups. We are never under any illusion that there will never be before this committee another bill dealing with gun crimes or another bill dealing with impaired driving.

The witnesses come, and they say they support this bill because it does this, or they oppose the bill because it does that. We don't usually have a witness say that they support what the bill does, but it doesn't do everything they want so they want us to oppose it now. I've never had anyone say that before now.

In light of that, I'd like to put it to any of the witnesses to comment a bit on the peculiar situation that I think we're being put in. It's a bill that does something that every one of you is asking us to do, and yet some are asking us to oppose it. Does anyone have any comments on that?

• (1640)

The Chair: Ms. Elmslie, do you have any comment?

Mrs. Kim Elmslie: I'll make a quick comment and pass it on to the others.

I think the concern we all have right now is that we have been trying for so long, for 10 years, to update this bill. We look at this as our first chance since the legislation was enacted in 1892, which was 116 years ago. It's taken us 10 years to get this far. The concern is that we won't have that chance again, the way there is on other bills, so we want something that is effective, enforceable, and modern now to protect animals.

Mr. Rob Moore: Chair, I want to hear the other comments, but this is part of where the reasoning breaks down a bit. I don't know whether or not some people are under the impression that if we defeat Bill S-203, that defeat somehow brings another bill on animal cruelty closer to fruition. It doesn't. Whether we pass Bill S-203 or whether it is defeated really has no bearing on whether someone introduces, or whether we in the future debate, more animal cruelty legislation. I hope everyone understands that if this bill is defeated, that fact doesn't mean that all of a sudden something else passes.

I can see the frustration, that people for decades have wanted to see a change. Now we're at the point where we're debating a piece of legislation, but we're not debating everything. There's nothing before us to debate at the moment; all we can do in this committee is decide whether we increase the penalty for animal cruelty or decrease it.

If there were a bill before the committee saying let's lower the penalty for animal cruelty, I think every one of you would be here saying you oppose that, and I would oppose it. Yet we have a bill before us saying let's raise the penalty, and people who would be opposed to lowering it are also opposed to raising it. That's what's a little ironic in all of this.

I will get the other comments, but I want you to comment in that light—that unless there's some procedural thing I don't know about, this bill's passing or failing has no bearing on future legislation dealing with animal cruelty.

The Chair: Ms. Cartwright and the remaining witnesses will have to put their comments quickly to the floor because we don't have much time left.

Mrs. Barbara Cartwright: Thank you very much, Mr. Moore.

I just want to be clear on behalf of IFAW that we do not support Bill S-203 at all, period. I think that's an important distinction, because it is getting clouded with the other bills. We're not favouring or talking outside of it. We are saying that Bill S-203 is an ineffective piece of legislation that will do nothing to increase the protection for animals in Canada, and our goal is to increase the protection for animals in Canada—all animals.

• (1645)

Mr. Greg Farrant: As you might imagine, I don't agree with Ms. Cartwright's perception of the bill. We support Bill S-203. We understand exactly what you're dealing with here. It is a simple, straightforward piece of legislation that is before you.

The other bill, Bill C-373, is not before you at this time, and obviously we're all going to have a chance at some point in time to have that discussion. Today we're here to discuss this particular bill, and we support it because it does move the yardsticks.

The Chair: Thank you.

Ms. MacDonald.

Ms. Shelagh MacDonald: I totally agree that this committee is in a difficult spot because you can only consider one of them at a time. The reality is, though, that while you said it's true that we can have another bill and that it happens with gun crimes and other things, it is not easy to get Parliament's attention for animal cruelty crimes or animal issues. Back in the day when we had a Liberal government that was very supportive of this issue, it still didn't make it a high

enough priority that it got passed. I think that's part of the problem: animal crimes are just not taken as seriously as perhaps some other issues in society.

I would suggest that if we were to pass this bill, it would be far more difficult to bring in another bill, simply because at least something has been done; whereas if this bill dies, I'm far more confident that there will be another bill, because this issue is so important to so many people.

So I suggest that actually it would be more effective if this bill died; there would be a much greater chance that we'll get a good bill then.

The Chair: Thank you, Ms. MacDonald.

Mr. Coghill.

Mr. Hugh Coghill: In the interest of time, I think I'm just going to say that I agree with Ms. MacDonald's comments.

The Chair: Mr. Pippolo.

Mr. Jim Pippolo: We're in support of Bill S-203. I do not know everything about Parliament, I'll guarantee you, but I think from what I've been led to believe, we can go forward with different legislation in the future. That's why we feel this one works currently and there are things that will work in the future.

The Chair: Mr. Mitton.

Mr. Don Mitton: Again in the interest of time, CHT agrees with the comments of the Canadian Federation.

The Chair: Thank you all.

Mr. Holland, you have five minutes.

Mr. Mark Holland (Ajax—Pickering, Lib.): Thank you, Mr. Chair, and thank you to the witnesses.

I have limited time, and I have a number of things I want to get through, so maybe you could answer in that light.

First to Mr. Coghill, would it be a fair statement to say that if you can't get a conviction, it doesn't matter what the penalty is?

Mr. Hugh Coghill: Absolutely.

Mr. Mark Holland: Would it also be fair—and I've had the opportunity to talk with a lot of SPCA officers—to say they're extremely frustrated; that the language that exists today and what exists, frankly, in Bill S-203 is really the same situation; and that the frustration would be the same, and they would continually see cases of abuse that they want to be able to prosecute and Canadians want them to be able to prosecute, but that they just can't prosecute, either under Bill S-203 or under the existing situation?

Mr. Hugh Coghill: Very true.

Mr. Mark Holland: I want to go to some comments from witnesses that were made last week by the mover of the bill, Senator Bryden, and get some reaction. He said a couple of things: those on the animal welfare side and I would "lose the lever" was the term, if Bill S-203 were passed, and that he would not support Bill S-203.

That brings me to something I want to know if you have a concern about, and that is that the House of Commons has twice passed the legislation that is Bill C-373. The Senate rejected it or sent it back or didn't deal with it on both occasions. Given the senator's comments that it's not as if they can pass both—they don't worry because people support both—the Senate is saying they don't support the other, they support one. So are you worried that if the Commons got through the legislation that we need to finally do something about animal cruelty, the Senate is going to use the excuse that they already dealt with this under Bill S-203?

I don't know if Ms. MacDonald wants to respond to that.

Ms. Shelagh MacDonald: That's a tough question. I can't predict what the Senate is going to do—

Mr. Mark Holland: Is it a concern for you, though?

Ms. Shelagh MacDonald: Yes, I think we would have some concerns about that, but I would hope if we got there again and were able to get back that huge broad support we had, the Senate would finally listen.

Mr. Mark Holland: The other comment—and maybe this is going to be a rhetorical question—is that so far every animal welfare group that has come before this committee is opposed to a bill that's supposed to be about dealing with animal welfare. I see that as ironic. The House of Commons is going to hold that we've done something about animal cruelty when every group that's involved with animal welfare says this isn't effective.

Comments were made last week by those who are supporting Bill S-203, who are involved with animal welfare. They said the real issue is penalties. To those who are on the other side, I'm wondering what your thoughts would be, whether or not the real issue is penalties. Perhaps I'll turn it over to Ms. MacDonald, Ms. Cartwright, and Mr. Mitton.

• (1650)

Ms. Shelagh MacDonald: We've said all along that the penalties are not the most important issue. Of course we support higher penalties, and they are very much needed. We've struggled with it, frankly, because I sit here representing humane societies and SPCAs across Canada that are trying to prosecute animal crimes appropriately, and they need a better tool. So it's difficult for us to oppose a bill that's at least doing something.

But the reason we continue to oppose it very strongly is we feel so strongly that the problems need to be fixed and that increasing the penalties is just not good enough. Doing that is outweighed by the need to close the loopholes that are problematic.

Mr. Mark Holland: I'm wondering, Mr. Mitton made a comment about the fact that Bill C-50 had a broad range of support; it wasn't just the animal welfare groups, but after a lot of years of compromise and work, it was the vast majority of those who are also in the animal-use industry. Mr. Mitton made that comment, and I want to know if that was also your understanding, because I know compromises were made on both sides. I participated in those processes, and everybody on all sides was making compromises to get us toward the middle.

Would it be fair to say we were at a point of compromise and middle ground with what was Bill C-50, now Bill C-373, and that

Bill S-203 represents a one-sided, animal-use industry bill, that we had a compromise, middle-ground bill and now we're dealing with something that isn't a compromise but is at the other end of the spectrum and only addresses the concerns of those in the animal use industry?

Ms. Shelagh MacDonald: Absolutely, there's no question this bill has nowhere near the level of support, and the broad support, that other bill had.

An interesting comment was made by Leslie Ballentine last week when she represented 16 animal-use industry groups, including trapping organizations, farming, and others. When asked if they would support Bill C-373, she said she would with one amendment. The Canadian Federation of Humane Societies had a few meetings with representatives of that coalition, and we agreed with that amendment because we think this bill should go through. If changing the offence of killing animals brutally or viciously to killing animals with brutal or vicious intent would bring back the support of those industry groups, then we are willing to accept that as well.

The Chair: Thank you, Mr. Holland.

Madame Freeman.

[*Translation*]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Good afternoon.

Thank you for your presentations. We are discussing Senator Bryden's bill, S-203, and we are constantly referring to the former Bill C-50 as well as to Bill C-373, tabled by our colleague Mr. Holland, which unfortunately may not be passed during this Parliament.

It is quite clear: some are for it and others are against. It seems to me that neither side is proposing any nuances. We must make a decision on Bill S-203, which seems insufficient but it would be possible to amend it.

Could you tell me what amendments you would like to see passed? We are not dealing with Bill C-373, but of course with Bill S-203. Do you have any amendments to propose? One cannot simply say they are for or against it. Amendments will certainly be put forward, and I would like to know which ones you would want to suggest.

Ms. Cartwright.

[*English*]

Mrs. Barbara Cartwright: We are very concerned about the inadequacies of Bill S-203, and at this time we don't see how it could be made adequate.

If amendments were brought forward, we would certainly be interested in hearing them, but we haven't brought any prepared amendments.

[Translation]

Mrs. Carole Freeman: I am well aware that you do not support this bill and that you would prefer to see Bill C-373 passed. That is clear. The fact remains that we must deal with Bill S-203, and not Bills C-373 or C-50. Given that we are studying Bill S-203, we will be in a position to propose amendments. In fact, I am convinced that there will be some.

Therefore, what amendments would you propose to improve the bill that we are studying today?

• (1655)

[English]

Mrs. Barbara Cartwright: I don't feel qualified to answer that question. If we were going to propose amendments, then we would want to go back and consider very carefully what those amendments...

Ms. Shelagh MacDonald: We would recommend putting in a definition of "animal" that would treat all animals the same. This would require changing a lot of wording to take out references to "dogs", "birds", "cocks". There's a lot of outdated language in the act. That's why we don't think making amendments is a good place to start. Other concerns we have include the concept of "wilful neglect"; the inadequacy of dog-fighting offences; treating different animals differently; having a separate section for cattle; considering acts against animals as property offences; and not allowing for the protection of wild and stray animals. There are numerous problems, probably too many to amend. The old bill, with its ancient language from 1892, is not a good place to start.

[Translation]

Mrs. Carole Freeman: So you suggest that the word "animals" be defined and that animals no longer be considered property.

Mr. Coghill, do you have something to propose?

[English]

Mr. Hugh Coghill: First of all, I agree that there would have to be a great many amendments to Bill S-203 to bring it up to date. For example, the use of the term "kept for a lawful purpose" gives a great deal of difficulty to enforcement officers. I'd like to see something that deals more specifically with the issue of dog fighting. It is a crime that's not adequately addressed in the Criminal Code, and I don't believe it's adequately addressed in Senator Bryden's bill either.

[Translation]

Mrs. Carole Freeman: Mr. Mitton.

[English]

Mr. Don Mitton: I don't believe the bill before us, Bill C-203, provides an adequate foundation. I think the amendment that we would be proposing would, for all intents and purposes, bring us right back to C-373. It requires too many amendments to address the needs and issues of the current day.

[Translation]

Mrs. Carole Freeman: We asked Senator Bryden, when he appeared before this committee, if he would support Bill C-373, and he said that he would never do so.

Thank you.

Do I have any time left?

[English]

The Chair: No, Madame Freeman, you don't.

You wanted to get Mr. Pippolo's comments...? All right, thank you.

Monsieur Petit.

[Translation]

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Thank you very much for coming here this afternoon.

I will pick up where the parliamentary secretary to the Minister of Justice left off. We have before us a very specific piece of legislation, that is Bill S-203. We may, of course, always compare it to previous bills, but even if they were good, in fact excellent, they all died on the *Order Paper* and we are no longer discussing them today. We are trying to draw your attention to something that I feel is very important. A bill has been drafted, and it deals with protecting life. In fact, animals are part of the group to which we belong.

Mr. Farrant, when you read Bill S-203, tabled by Senator Bryden, did you note the fact that it was increasing sentences? I am just expressing my thoughts. That is not necessarily what you wanted to say. There is a difference between an offence punishable on summary conviction—and in my province, that is practically the only measure that is taken—and an indictable offence. If we are talking about an indictable offence, the prosecutor representing the government knows that he can obtain a five-year prison sentence, in some cases. That does not make everything perfect, but is it not progress?

Instead of assessing a ridiculous fine, the judge will be able to impose a prison term. This will be published in the papers and will be better publicized. People will become aware of it. It will not be as it is in my province, where the Society for the Protection of Cruelty to Animals has problems surviving because no one ever hears about them. The fines are absurd. We cannot even manage to shut down the puppy mills or dog mills. Wouldn't the fact that we could see that someone was given a three-year prison sentence on the front page of the papers, which cannot be the case currently in the case of some offences, constitute progress?

Mr. Farrant, I would like your opinion on the subject. Personally, I feel this truly represents progress even though it is not perfect. Following that, I would like to hear Ms. Barbara Cartwright's thoughts. She seems to be saying it is not acceptable. I can tell you that it would help us in my province. When a person is sent to prison for three years, they will not make the same mistake twice.

• (1700)

[English]

Mr. Greg Farrant: Thank you, sir. I appreciate your comments, and I would agree with your comments. Yes, we believe it is progress.

It's interesting, Ms. Freeman asked several members of this panel about what amendments they would suggest. I note with some wry humour that the amendments that have been suggested bring us back to Bill C-373 and the previous government bills.

This bill, from what I understand of Senator Bryden's intentions—it's why we've supported it all along—is that not only will it provide the courts with more punitive measures to use against animal abusers, but also, we hope, as I understand the senator hopes as well, it will act as a deterrent when exactly what you suggest happens—i. e., when there's a case on the front page of the *Toronto Star*, *La Presse*, or wherever else it happens to be that says an animal abuser got five years for hitting a dog on the head with a hammer.

If you want to consider amending the bill, nobody has ever suggested, “Why not increase the penalties and fines even heavier to make it even more of a deterrent?” I guess you could go in that direction. But certainly this goes well beyond what's available to the courts and the prosecutors now, and hopefully it will act in turn as a deterrent to those types of people.

Thank you, sir.

Mrs. Barbara Cartwright: Thank you for the question.

Again, we are concerned about animal protection and see the animal cruelty legislation as a way to help increase the conviction rates, not just the penalties, so that more animals are protected by our humane societies and our SPCAs.

As Mr. Coghill answered maybe three or four questions ago, higher penalties do not mean higher conviction rates. In fact, nothing will change except that courts, when they do finally get the odd case to them, can then use higher penalties.

Our concern is that the SPCAs, the humane societies, and the police officers be able to better use the Criminal Code of Canada, which they have stated here today is not usable to a high degree.

The Chair: Thank you, Monsieur Petit.

Mr. Bagnell.

Hon. Larry Bagnell: Thank you.

Ms. Elmslie, thank you for this document from the various countries. Mr. Holland gave it to me about an hour before the meeting. It's very interesting.

I want to make sure I'm correct on the fines. I find this interesting. You're right, if you compare the various countries, we seem to be the worst or near the worst in the world. But if this particular bill went through, we'd be about average on fines, in the middle somewhere, but we'd have the stiffest penalties in the world as far as maximum prison rates are concerned.

Would that be true, based on any countries you've dealt with?

Mrs. Kim Elmslie: The maximum prison rates?

Hon. Larry Bagnell: It would be five years, and there's no one on this—

Mrs. Kim Elmslie: In Austria, you can have indefinite maximum life sentences, as well as in Great Britain, which has just passed its Animal Welfare Act in 2006. They are looking at a potential....

Hon. Larry Bagnell: Okay. Thank you.

One of the things from previous bills that I was very interested in—as everyone said, there were some good things there—was restitution. The humane societies have hardly any money.

Anyone can comment on this.

Mr. Pippolo, did you say that this is in the particular bill we're discussing today, that people could be forced to pay restitution to humane societies?

• (1705)

Mr. Jim Pippolo: Yes.

Hon. Larry Bagnell: Are there any other comments on that?

I have one last question, which everyone can answer.

We had a horrendous situation in my area in which a person—I think he was mentally unstable—was being cruel to dogs. The police were out to investigate, and he heard they were coming. I think he had about 50 dogs, and he just shot them all to death.

Is there anything in any of the bills we've dealt with before that would have dealt with that situation?

Second, should there be a provision in this amended bill or in some bill in the future that would deal with a situation like that?

Everyone can answer that.

Mr. Hugh Coghill: If I can respond to that, I don't know about that particular instance, if it was in Ontario, but we've been faced with similar issues in Ontario. Courts have felt that with the existing wording in the legislation, the issue of ownership implies the ability to do whatever you want with that animal, as long as it's not done in a cruel way. Ownership is the lawful excuse, so that issue, again, of the use of those words—“kept for a lawful excuse”—becomes a problem for us.

If I can slip back to a previous question about indictable offences, you'll know that section 444 currently exists in the Criminal Code; it is an indictable offence. We've laid a charge under that section twice only in 30 years. The honourable member, being a lawyer, will know that when it first appears in court, crown has the right to make an election. In both of those cases, crown elected to proceed summarily, rather than by way of indictment—so that automatically reduced it—because of the cost factor that's involved. We can understand that as well.

Hybrid offences are fraught with issues as well. They may seem like a good way to go by increasing the penalties, but I think increasing the provisions for a national prohibition order under federal legislation is of paramount concern to SPCAs across Canada.

We can currently, in many provinces—not in Ontario, unfortunately—get prohibition orders under provincial legislation. This has happened many times, and the accused or the convicted person simply moves to another province. If we can get a better prohibition for something more than the two years that are there now, that will be a plus as well.

But there are problems that haven't been addressed with regard to hybrid offences.

I'm sorry, I went way off your question.

Mr. Greg Farrant: Just to follow on Mr. Coghill's comment, this bill does open-end the prohibition of animals for abusers. Obviously, it wouldn't necessarily have avoided the case that you suggested, which is quite horrific, but it certainly would allow the courts to prevent that person from ever owning an animal again in their lives. Mr. Coghill seems to be indicating that this needs to be applied nationally, which this bill does.

We strongly support the fact that people who abuse animals should not have the opportunity in the future to own animals again, and the courts will have that ability.

The Chair: Thank you, Mr. Bagnell.

I'm sorry, what was that, Mr. Bagnell?

Hon. Larry Bagnell: I think there were people who wanted to answer the question.

The Chair: If you would then, go ahead, Ms. Elmslie.

Mrs. Kim Elmslie: I just want to make a quick comment on Mr. Bagnell's case.

I know the case you're talking about from the Yukon, with the dogs that were stacked up. When the RCMP arrived, they were about to confiscate the animals and the individual who had killed them beforehand. Because of the loopholes in the legislation that exist right now, they could not press any charges against that individual. So it would have been nice to have a situation in which this individual could no longer have animals or would have been fined, but the fact is that they couldn't get any conviction. So nothing would have changed under Bill S-203. It would have been exactly the same outcome as it is now.

The Chair: Thank you.

Mr. Dykstra.

Mr. Rick Dykstra (St. Catharines, CPC): Thank you. I did want to ask questions to both Kim and Barbara.

I take it that the background of your organization's beginning was the seal hunt. That was the original purpose of your existence? You have expanded since then, obviously.

Regardless of what your position on that issue may be—whether you're in support of the seal hunt or whether you're opposed to it—folks make strong arguments on both sides of the case as to whether it should or whether it shouldn't happen. I wonder if that isn't a reasonably good example of the difficulties we face here in trying to move this forward, because in some respects, unless we move all the way to the legislation that you as an organization prefer, you're not going to come here supportive of it. Likewise, if we go too far the other way, we're going to have organizations that wouldn't support it

at all because of the damage it would do to their industry or their business or what have you.

I wonder if you can comment on that, because I'd like to think that our responsibilities are to try to find some common ground here and work through this. It seems to me that you've taken a position that makes it extremely difficult to pass legislation that even the other folks sitting at the table would support.

• (1710)

Mrs. Kim Elmslie: That's an excellent question. I'd like to point out that the Bill C-50 legislation, prior to Mark's introduction, had been passed by this House twice by all of the parties at the time. I think at one point there were five. So that was passed, and it was stopped by an unelected Senate. And this is the piece of legislation that the overwhelming majority of Canadians support. As Shelagh pointed out, with maybe one small amendment I think the industry groups would be happy with it as well. I think we have the industry groups, the vast majority of Canadians, and the animal welfare organizations onside. To me, that sounds like a lot of people onside, versus the situation we have right now in which you don't have the Canadian public or any of the animal welfare groups who are charged with protecting animals from cruelty....

Mr. Rick Dykstra: That's a good response.

Mr. Farrant, maybe you could comment on something under the previous legislation. It's my understanding that the anglers and hunters were actually asking to be exempted from the legislation because they feared so badly that it would have such a significant impact on them.

Mr. Greg Farrant: Certainly I'd be pleased to comment on that.

One of the reasons we were seeking exemption under the previous legislation was in response to comments that had been made, not by anybody at this table but certainly by people who I would classify as animal rights organizations as opposed to animal protection organizations. They made it very clear, both through their lawyers and in their public statements, including their statements in testimony before committee on previous bills, that they were seeking to move forward with those particular pieces of legislation in order to use them to vigorously pursue charges against a whole range of animal-use groups, including anglers and hunters in the courts. They made it very clear that this was just the very beginning and that their intentions were to go far down the road from even where bills such as Mr. Holland's bill and other previous bills were intending to go. So certainly there was a concern at that time that we were being open...and it was a concern that was also expressed by people like the Council of Colleges and Universities, who were concerned about the impact that would have on medical researchers.

It's not necessarily the fact that you would be convicted in court, but the fact that you are dragged into court and forced to defend yourself. There was one small case in western Canada in which that occurred, and the individual incurred costs of \$10,000, and the judge summarily threw the case out of court, saying it should have never gotten there. But that individual's welfare was severely compromised. So that was the concern at that particular time.

Ms. Shelagh MacDonald: There's been a great deal of discussion about the fear of animal rights groups, and I want to make it clear that animal rights groups do not have any authority to lay charges, any more than you or I, as a private prosecution. We have stringent screening processes in our system to prevent frivolous prosecutions from proceeding. Because either of these bills would make hybrid offences, there is a much higher scrutiny from the crown attorney as well as a change that was added in 2002 to require a person wanting to lay a private prosecution to appear before a provincial court judge and convince him there is a need to pursue the case. That would all happen before an accused person were even notified.

I can understand people worrying about animal rights groups, but you've got to look at the practicality. They do not have the authority to lay charges.

People have even suggested that animal rights groups would try to second humane societies or SPCAs to lay their charges for them, and I find that an offensive suggestion. That would never happen.

• (1715)

Mr. Rick Dykstra: Mr. Mitton, I have a question for you.

I don't mean to go from one end of the table to the other, but one of the things that stands out for me is that your mission is to abolish the pain and suffering of animals trapped for any reason whatsoever. That's pretty categorical.

There are folks who would argue, whether they be in research facilities inside or outside universities, that there is a potential for this to happen for reasons that are good for both the animal population and kingdom and also for humanity.

Again, I draw you to the conclusion that it would seem, regardless of what the legislation is, that if it doesn't suit your purpose-stated objective, you wouldn't be able to support the legislation to begin with.

Mr. Don Mitton: For the Canadian Association for Humane Trapping, utopia would be the perfect mouse trap. We're hoping for perfect trapping. We realize that we're a distance from that now, but it is interesting that in all our provinces and territories, as of the end of 2007, the regulations regarding the agreement on international humane trapping standards are now written into the regulations. It's moving forward.

We financially assist a number of trapping organizations and people with a scientific background in designing new traps that are more effective and more humane. We appreciate that the concept of a humane trap may seem impossible, but that does not mean we should not continue to strive to be sure that the traps being used are the most humane possible.

The Chair: Thank you, Mr. Dykstra.

Mr. Holland.

Mr. Mark Holland: Thank you, Mr. Chair.

Perhaps I can take that a little further, because I think there's some confusion occurring in the committee.

I can understand where Mr. Dykstra is coming from. Obviously, we want to see everybody compromise. I think maybe what's being forgotten here is that the previous Bill C-50, now Bill C-373,

represents a compromise. Maybe I should ask, just to be clear, Mr. Mitton, Ms. MacDonald, Mrs. Cartwright, and Kim—sorry, Kim, I can't see your last name over the microphones—does Bill C-50 represent a compromise for you, or is that your ideal bill? I think we need to clear that up.

We'll start with Mr. Mitton.

Mr. Don Mitton: Our association would be very pleased to see that legislation pass. We are in agreement with the proposed amendment that the coalition brought forward at this committee last week. We would agree with that.

Mr. Mark Holland: But if you were to draft your own bill and go as far as you could possibly go and do exactly what you wanted to do, would that be Bill C-50, or are you compromising under what's now Bill C-373, which was Bill C-50?

Mr. Don Mitton: Our world is full of compromises, but we would be very pleased to see that legislation go ahead.

Ms. Shelagh MacDonald: CFHS has never actually sat down and tried to write what would be our ideal bill, so that's a difficult question to answer, but we do fully support Bill C-373.

But we have accepted compromise. And we weren't so much opposed to those amendments made by the Senate, but we thought they were unnecessary. There was a lot of debate about the application of lawful excuses, including colour of right, and we thought that was completely unnecessary. There were some compromises made at that time, in 2003.

But we're happy with it the way it is. We think that compromise is important.

Mrs. Barbara Cartwright: We agree. We see Bill C-373 as the result of a great deal of debate and compromise. It's important in a democratic process to engage in that compromise. We can't all have our dream world, regardless of which side we fall on this.

But Bill S-203 doesn't provide anything close to what Bill C-373 provides, which in our opinion, as Ms. Elmslie mentioned, is the result of broad debate, broad support—support from this very House twice, which I always go back to, because to me it's so important that the voices of the people were heard and that it got blocked at the Senate.

Mr. Mark Holland: What I think I'm hearing is that the animal welfare groups made compromises with respect to getting to Bill C-50—as did many of the animal user groups, by the way; I'm not just talking about one side. Both sides made compromises to get to a middle point.

What we're seeing with Bill S-203 is that it's the bill where there's no compromise; it's the bill that is only addressing concerns on the animal-use side. None of the issues I'm hearing are really being substantively dealt with on the animal welfare side.

This brings me to my last question. This would be to you, Kim. You talked about how Canada sized up relative to the rest of the world. What you didn't get a chance to say is—and it's embarrassing, frankly—that we're behind nations such as the Philippines. That's something we should really hang our heads about, I think, personally.

How would Bill S-203, after it was passed—I hope it doesn't happen, but let's just presume and say it did get passed.... How would Canada stack up against the rest of the world?

• (1720)

Mrs. Kim Elmslie: We would still be low. We'd still be one of the lowest on the comparison.... We would have slightly higher penalties. But again, our conviction rates and our ability to convict people who are committing acts of cruelty against animals—people who could be convicted under other international legislation—would still be missing out.

Mr. Mark Holland: As a first world nation, then, we would still be considered something of a joke or an embarrassment after passing Bill S-203. So what we're debating is whether or not we pass something that still leaves us as an embarrassment in the rest of the world.

Thank you, Mr. Chair.

The Chair: Mr. Calkins.

Mr. Blaine Calkins (Wetaskiwin, CPC): Thank you, Mr. Chair.

How much time do I have? Five minutes?

First of all, I'd like to thank everybody for coming here. It's been very interesting.

I'll basically ask the same questions I asked of the sponsor of the bill and the people who've testified before. I'm very concerned as a farmer and as somebody who represents a rural riding in Alberta that if we go too far we may affect some of the sensibilities of the good folks back home in Alberta, especially those who come from the agricultural sector, those who have used animal husbandry, farming, hunting, fishing, and trapping as a way of life for a certain amount of time in our history.

I'm concerned that if we lose this opportunity right now, we won't have an opportunity. I know there's another bill on the table as well.

But I am also concerned about some of the things that I guess my colleagues have made a point about as well: that there seems to be an all or nothing approach to this piece of legislation before us. When I see an all or nothing approach or see somebody entrenched or with their heels dug in, I'm usually led to believe they have an agenda beyond what's actually being discussed. The rationale I've heard is just not satisfying me, that passing Bill S-203 right now would somehow preclude our going further in the future. I want to get some clarification from some of the folks around the table here to see whether I can get at some of the roots of that agenda.

The IFAW is against the seal hunt, isn't that right? Would it be fair to say the IFAW is against all forms of hunting?

Mrs. Barbara Cartwright: Absolutely not.

Mr. Blaine Calkins: How can you justify or change your position, saying that the seal hunt is not okay, yet other forms of hunting are okay? How do you rationalize that? It's like saying Bill S-203 isn't okay, but some future bill that we're going to see is okay. Can you rationalize that for me?

Mrs. Barbara Cartwright: With all due respect, can you ask me the question again? I think I may have gotten slightly lost.

Mr. Blaine Calkins: Your organization is diametrically opposed to the seal hunt, yet you just told me that you're not opposed to all forms of hunting. Can you rationalize that? It seems to me that you're opposed to Bill S-203, which does something, in lieu of something else that you don't have yet. Can you please—

The Chair: There's a point of order.

Mr. Holland.

Mr. Mark Holland: The point of order is that neither bill, neither Bill C-373 nor the bill in front of us, deals with seal hunting. Seal hunting would be legal under both instances. I think that may be why there is some confusion. Seal hunting may be another issue, but it isn't dealt with in either bill.

An hon. member: This is a matter of debate, Mr. Chair.

The Chair: Mr. Calkins, put your question.

Mr. Blaine Calkins: I guess what I'm getting at, the point I'm trying to make, is that it seems to be an entrenched position. To me, it makes good sense to take Bill S-203 now, while we have it. When another bill comes forward, whether it's a government bill or a private member's bill, I think it should be given full examination and every opportunity to be debated as well.

What I'm getting at here is that from your organization's perspective, you're entrenched on this particular issue, and I can't see a good reason for it. You're entrenched against seal hunting, yet you're not entrenched against hunting, maybe, in another way. So I'm just wondering what it is. Is it an organizational thing? Help me understand where the rationale comes from for some of the positions the IFAW takes.

Mrs. Barbara Cartwright: Well, I'll speak to Bill S-203 and that position. Our concern, as we've said from the outset, is that higher penalties don't bring us higher convictions. IFAW has been involved in this process to increase protection for animals by increasing the number of people being punished for heinous acts of animal cruelty.

The Senate is the one that was entrenched. I have every confidence in this House to pass Bill C-373 and to pass good legislation that protects animals and that responds to Canadians' needs. When the Senate came back with those amendments, this House said no, they wouldn't accept all those amendments. They accepted the non-derogation clause, and they sent it back to the Senate. Unfortunately, prorogation happened, and it hasn't moved forward.

I don't feel that IFAW has been in any way entrenched, except at this point in time, when Bill S-203 does not afford animals any greater protection.

• (1725)

Mr. Blaine Calkins: In your analysis here, with all the countries you've chosen in this particular document, I notice that conspicuously absent are some countries such as the United States of America and Australia. And if we look at some of the other western societies, they're conspicuously absent. I'm just wondering if you could tell me....

I read a section in here that said that these countries were chosen because each has federal legislation, the legislation is available in English, and detailed information about that legislation is easily accessible on the worldwide web.

The United States of America just pressed federal charges against Michael Vick for conspiracy with respect to dog fighting. It would seem to me that there would be no reason—that's a federal charge—they would be left out of the comparative analysis.

Could you please tell me about that?

Mrs. Kim Elmslie: Sure. In the United States, the majority of animal cruelty cases are done at the state level. However, dog fighting is a crime at a federal level. But when we looked at legislation, it was all state to state.

I can tell you that the state legislation I looked at far outranks Canada's. In fact, as of yesterday, the individual who sold Michael Vick his dogs has now been fined and charged as well. These are things we would not see here in Canada.

The U.S. legislation is far more advanced than what we have here in Canada, but we didn't include it in the report because it is state to state.

The Chair: Thank you, Mr. Calkins.

Committee, that brings us to a close. I would like to thank all the witnesses for their appearance and their presentations. I think we've had a pretty thorough discussion of this particular bill. Your perspectives were welcome. Thank you again.

The meeting is adjourned.

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